United Nations A/71/643

General Assembly

Distr.: General
30 November 2016

Original: English

Seventy-first session
Agenda items 139 and 149

Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Combating sexual exploitation and abuse

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on combating sexual exploitation and abuse (A/71/97), in which the Secretary-General provides details on the initiatives undertaken across the United Nations system to combat sexual exploitation and abuse and an update to Member States on the progress made since the issuance of his report on special measures for protection from sexual exploitation and sexual abuse (A/70/729). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 9 November 2016.

2. In his report, the Secretary-General discusses the initiatives under way to address the recommendations of the External Independent Review Panel on the United Nations response to allegations of sexual exploitation and abuse by international peacekeeping forces in the Central African Republic, in accordance with General Assembly resolution 70/286 (see A/71/99), as well as a broad range of systemic issues related to how the United Nations responds to serious allegations of this kind. He also discusses the initiatives under way to address the recommendations contained in Security Council resolution 2272 (2016).

3. **The Advisory Committee points out that the report of the Secretary-General contains no concrete actions for approval by the General Assembly. However, in the text of the report, the Secretary-General describes a number of related actions to address sexual exploitation and abuse that are being implemented or considered by individual Member States.**

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II. Ongoing initiatives to address sexual exploitation and abuse

4. The Secretary-General states that his report provides a comprehensive strategy for strengthening the United Nations response to sexual exploitation and abuse (see A/71/97, para. 6). He provides information on a number of ongoing initiatives and groups them under six main themes: (a) Member State engagement and emerging best practices; (b) an enhanced unified system-wide approach; (c) strengthened prevention; (d) an enhanced victim-centred response; (e) robust enforcement; and (f) a greater focus on monitoring and reporting by non-United Nations forces.

5. With regard to the engagement and emerging best practices of Member States, the Secretary-General provides examples of Member State best practices, investigations and judicial actions and makes a commitment to documenting and sharing information about those practices by the final quarter of 2016. The Secretary-General also indicates that he has requested Member States to adopt a six-month timeline for completing investigations into alleged cases of sexual exploitation and abuse. Certain troop-contributing countries have included or will include national investigations officers in all deployed military units. The Secretariat has also developed guidance relating to the repatriation procedures for military/police units in cases of widespread or systemic sexual exploitation and abuse (ibid., paras. 16-25).

6. In respect of an enhanced unified system-wide approach, the Secretary-General provides information on efforts to improve coordination and coherence among key actors. A high-level steering group, made up of senior officials from across the United Nations system,[1] has been established to respond to issues of sexual abuse and gender-based violence. The group's work to date includes the completion of a mapping exercise and a gap analysis, and the development of a uniform complaint/reporting form, protocols on victim assistance and a toolkit for managers and leaders in the field to guide them in terms of prevention strategies and effective response. Those measures will be completed by the end of 2016 (ibid., paras. 26-33). In addition, details are provided with respect to the role of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, appointed by the Secretary-General in February 2016 with a time-bound mandate to organize, unify and prioritize the United Nations system-wide measures for prevention and response. The Special Coordinator also chairs a system-wide working group comprising focal points from all offices represented in the high-level steering group, oversees the implementation of decisions made by the members of the steering group and leads multiple workstreams under way to coordinate and strengthen the United Nations response to sexual exploitation and abuse.

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[1] The Administrator of the United Nations Development Programme, the Chef de Cabinet (Chair), the Executive Director of the United Nations Children's Fund, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Under-Secretary-General for Communications and Public Information, the Under-Secretary-General for Field Support, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, the Under-Secretary-General for Management, the Under-Secretary-General for Peacekeeping Operations, the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees.

7. The third area covered by the Secretary-General addresses the need for better measures to prevent sexual exploitation and abuse through increased awareness, extended outreach, enhanced training and improved screening and vetting. The Secretary-General states that every United Nations programme must raise prevention to the level of mandate performance, for individuals, operations and the Organization as a whole. The job descriptions of supervisory personnel will be amended to reflect that responsibility. A preventive risk assessment framework to be applied before deployment in field missions has also been developed (ibid., paras. 34 and 35). More specific awareness-raising measures include the development and issuance of a global communications strategy and a commitment to the public sharing of information on reports implicating United Nations personnel. Some detail is also provided on ongoing training efforts, specifically relating to the certification of the operational readiness of troop contingents, mandatory courses and the updating of specialized training materials. Under the policy on human rights screening developed in 2012, States nominating personnel are also required to screen those personnel and certify that they have had no involvement in human rights violations. In this regard, the Secretary-General recognizes the need for more systematic human rights screening at different levels for both civilian and uniformed personnel (ibid., paras. 36-57).

8. The Secretary-General also identifies the need for an enhanced victim-centred response that includes victim services and protection, indicating that a draft sexual exploitation and abuse victim assistance protocol is expected to be issued in 2016. A trust fund to support victim services has been established and has solicited contributions. Upon enquiry, the Committee was informed that to date, more than $400,000 had been received from Member States and draft guidance on the use of the trust fund had been approved by the high-level steering group. Furthermore, the Secretary-General indicates that the protocol outlining modalities for internal and external information-sharing as well as measures for victim protection will be finalized by the end of 2016 (ibid., paras. 58-63).

9. The final two areas of activities covered by the Secretary-General address the need for greater enforcement and an improved focus on monitoring and reporting. Enhanced enforcement is envisaged in terms of strengthened reporting, coordinated investigations and transparent judicial and public accountability, achieved through, inter alia, alert systems for reporting sexual exploitation and abuse to senior management and coordination mechanisms, the establishment of immediate response teams, increased investigative capacity, improved follow-up with national authorities and the development by the Secretariat of a new website on sexual exploitation and abuse (ibid., paras. 64-84). In terms of the Organization's response to the monitoring and reporting of sexual exploitation and abuse by non-United Nations forces, as addressed in the report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic (see A/71/99), the Secretary-General indicates that the Office of the United Nations High Commissioner of Human Rights (OHCHR) has the lead responsibility for monitoring, investigating and reporting allegations of sexual exploitation and abuse as well as for requesting Member States to undertake investigations into alleged cases. He also identifies factors limiting the scope of the access and action of OHCHR in the field, while indicating that all Member States deploying forces not under United Nations command are obliged to take adequate

measures to prevent sexual exploitation and abuse, investigate allegations promptly, hold perpetrators accountable and repatriate units where there is credible evidence of widespread or systemic abuse (ibid., paras. 85-90).

10. The Advisory Committee wishes to emphasize that a number of issues related to the Organization's approach in dealing with sexual exploitation and abuse are also addressed in its previous reports, including: the financial accountability of perpetrators of sexual exploitation and abuse (see A/70/742); the Secretariat's investigative capacities (ibid.); and disciplinary measures imposed in cases of proven misconduct (see A/69/839). In the case of financial accountability, the Committee most recently recommended the approval of the Secretary-General's proposal that a related staff rule be revised to ensure that accrued annual leave will not be paid to a staff member dismissed in such a case (see A/71/557). That proposal is currently under consideration by the General Assembly.

III. Greater coherence in addressing sexual exploitation and abuse

11. The Secretary-General provides information about the initiatives being implemented across the Organization, including by funds, programmes and agencies, as part of a system-wide approach (see A/71/97, paras. 26-33) as reflected in the work of the Special Coordinator (see para. 6 above). In so doing, he cites the various measures being taken to reduce the fragmentation and improve the coordination of the response to sexual exploitation and abuse issues and allegations. The need for greater cohesion is reflected in a number of the issues addressed by the Advisory Committee in the paragraphs below.

12. The Secretary-General addresses the issues of prevention, enforcement, responsiveness and remedial action in the context of the areas for the development of ongoing action and initiatives, as indicated in sections V to VIII of his report. The Advisory Committee notes that those issues have been addressed over the past decade, starting with allegations first reported in United Nations peacekeeping operations in West Africa, which followed the issuance of a report of the Office of Internal Oversight Services (OIOS) in 2002 on allegations of the sexual abuse and exploitation of refugees by aid workers, including humanitarian aid workers, and United Nations peacekeepers in the West African countries of Guinea, Liberia and Sierra Leone (see A/57/465). In April 2003, the General Assembly adopted its resolution 57/306 and requested the Secretary-General to take measures to prevent and respond rapidly to the problem. The Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) was then issued, in October 2003. In response to the revelations in 2004 of sexual exploitation and abuse by a significant number of United Nations peacekeeping personnel in the Democratic Republic of the Congo, the report entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (also known as the "Zeid report"[2]) (see

[2] Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan, advised and assisted the Secretary-General in addressing the problem of sexual exploitation and abuse by United Nations peacekeeping personnel.

A/59/710) was issued. The report indicated the pervasiveness of this serious problem and the need for a consolidated system-wide approach, and addressed a number of issues, including those relating to required standards of conduct, improved investigative processes and capacity, and greater organizational and individual accountability and responsibility. As a result, a Conduct and Discipline Team was established in the Department of Peacekeeping Operations as part of a series of reforms of United Nations peacekeeping designed to strengthen accountability and uphold the highest standards of conduct (see A/60/862). Since then, annual reports of the Secretary-General have described progress in implementing specific measures developed to address issues relating to sexual exploitation and abuse in field missions, including the development of training and guidance materials, the engagement of Member States in investigations, and periodic reporting requirements concerning related allegations, investigations and subsequent actions. Two years ago, in his annual report on special measures for protection from sexual exploitation and sexual abuse (A/69/779), the Secretary-General provided details on multiple (more than 40) measures being taken to further strengthen prevention, enforcement and remediation actions necessary to address sexual exploitation and abuse.

13. In its consideration of the most recent report of the Secretary-General (A/71/97), the Advisory Committee was informed upon enquiry that a conceptual map depicting accountability among United Nations departments was still under development and would be shared upon its finalization and once it had been approved by the Secretary-General. The Committee notes that the mapping of a system-wide response is also still under development despite the various efforts carried out over the past decade and the existence of the high-level steering group since February 2016.

14. **The Advisory Committee welcomes the appointment of the Special Coordinator to address the issue of system-wide coherence and notes the continued fragmentation of the response of the various United nations entities dealing with sexual exploitation and abuse matters and the need for a clearer and more coherent framework for preventive and responsive actions and accountability on the part of United Nations system entities.**

15. In terms of reporting on the matter of sexual exploitation and abuse, the Advisory Committee notes that, while the most recent report of the Secretary-General on combating sexual exploitation and abuse (A/71/97) includes details on various initiatives undertaken across the United Nations system, the issue has also been covered from a variety of perspectives through the issuance of various other regular and ad hoc reports, including:

(a) Annual reports of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse, the most recent of which was issued in February 2016 (A/70/729);

(b) Annual reports of the Secretary-General on the overview of the financing of United Nations peacekeeping operations, the most recent of which was issued in February 2016 (A/70/749);

(c) Information relating to sexual exploitation and abuse allegations contained in the 2016 report of the Secretary-General on conflict-related sexual violence (S/2016/361/Rev.1);

(d) Annual reports of the Secretary-General on the practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, the most recent of which was issued in July 2016 (A/71/186);

(e) Ad hoc reports, including the report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic (see A/71/99) and the reports of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, as supported by the Panel of Experts on the Central African Republic.[3]

16. The Advisory Committee also notes the existence of a number of databases addressing sexual exploitation and abuse matters, as well as fragmented reporting thereon. In that connection, in his most recent report the Secretary-General indicates that, with regard to the recommendation of the External Independent Review Panel for the establishment of a comprehensive system-wide database (see A/71/97, para. 31), a number of databases continue to exist within the Department of Peacekeeping Operations, the Department of Field Support, OIOS and OHCHR. He also indicates that a single report/complaint form for system-wide use is under development and that, as from July 2016, the Office of Human Resources Management receives data on allegations from funds and programmes on a monthly basis, as opposed to annually, in order to monitor the status of reports in real time (ibid., para. 32). In addition, he indicates that violations by non-United Nations forces are reported through reports of the Secretary-General to the Security Council, the periodic reports of the United Nations High Commissioner for Human Rights and the annual reports of the Secretary-General on children and armed conflict and on conflict-related sexual violence. Relevant United Nations entities are also encouraged to include information on sexual violence by non-United Nations forces and peacekeeping forces in their regular reporting to the Secretary-General (ibid., para. 89).

17. The Secretary-General explains that the mandates of various entities result in a shared interest in certain data relating to sexual exploitation and abuse and that existing databases have different purposes and scope, while a certain amount of consolidation is taking place through initiatives to develop common terminology and uniform incident reports. The Advisory Committee was informed upon enquiry that a shared electronic screening tool to prevent the rehiring of individuals dismissed across the system owing to sexual exploitation and abuse was also being developed. **The Advisory Committee, nevertheless, notes that a common platform is lacking, as are established mechanisms for ensuring that all databases and offices share the same information in a timely manner. The Committee recalls that comprehensive data reporting has long been highlighted as a critical issue in effectively addressing sexual exploitation and abuse matters.**

18. **In this regard, the Advisory Committee notes with concern the currently fragmented nature of the reporting regarding preventive, enforcement and**

[3] The Panel comprises five experts, all of whom are home-based. The mandate of the Panel was established pursuant to paragraph 59 of resolution 2127 (2013) for an initial period of 13 months and most recently extended pursuant to paragraph 22 of resolution 2262 (2016) until 28 February 2017. Among other tasks, the panel is charged with gathering, examining and analysing information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 2262 (2016), in particular with respect to incidents of non-compliance.

remedial actions necessary to address and prevent incidents of sexual exploitation and abuse. While acknowledging that different reports and data sets have responded to different requests and requirements over time as awareness of and attention to the matter have increased, the Committee could not be provided with clear information on the overall scope of and linkages between the different reports and databases. Therefore, the Committee is of the view that there is a need for increased leadership on this matter for both civilian and uniformed components and improved coordination and collaboration across the United Nations system.

IV. Conclusions and recommendations

19. The Advisory Committee reiterates again its strong support for the implementation of the United Nations stated policy of zero tolerance for sexual exploitation and abuse. In this regard, the Committee expresses its support for the commitment, expressed in the most recent report of the Secretary-General, that the Organization will not remain silent or passive in the face of reported incidents, regardless of the perpetrator, and that the Organization will actively work to protect and support victims and ensure the appropriate accountability of all United Nations personnel (ibid., para. 5). The Committee is convinced that progress in this regard can be achieved only with strong, sustained leadership on this matter at the highest level of the Organization across all United Nations system entities.

20. The Advisory Committee considers that, after more than a decade of incremental steps taken to address the matter of sexual exploitation and abuse, and in view of the persistent and egregious nature of related allegations, the General Assembly may wish to invite the Secretary-General, as Chair of the United Nations System Chief Executives Board for Coordination, to conduct a system-wide assessment of current capacities and future requirements concerning issues relating to sexual exploitation and abuse and the Organization's response to them, and to develop further proposals thereon for the consideration of the Assembly.

21. The Advisory Committee also recommends that the General Assembly request the Secretary-General to ensure that:

(a) In terms of developing a coherent and clear system-wide framework, additional efforts are made to further harmonize current mechanisms, working groups and processes addressing sexual exploitation and abuse without further delay;

(b) In terms of reporting on the issue, a more streamlined method of reporting is developed with greater coordination among United Nations entities to ensure that Member States receive the information in a coherent and timely manner;

(c) In terms of a shared data platform, a mechanism is developed for ensuring greater effectiveness and consistency in data-gathering, reporting and monitoring regarding allegations and cases of sexual exploitation and abuse.